

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

GREAT LAKES INSURANCE SE,)	
)	
Plaintiff,)	
)	Case No. CIV-22-00702-JD
vs.)	Judge Jodi W. Dishman
)	
FREDY VALLE d/b/a VALLE)	
TRUCKING;)	
SILVER STAR CONSTRUCTION)	
COMPANY, INC.;)	
TYLON MACKEY;)	
ISRAEL JUAREZ;)	
ORD TRUCKING, INC.)	
ZURICH AMERICAN INS. CO.,)	
)	
Defendants,)	
)	
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ZURICH AMERICAN INS. CO.,)	
)	
Defendant/Third Party)	
Plaintiff,)	
)	
vs.)	
)	
PROGRESSIVE NORTHERN INS.)	
CO.,)	
)	
Third-Party Defendant.)	

**PLAINTIFF’S RESPONSE TO PROGRESSIVE NORTHERN INS. CO.’S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff Great Lakes Insurance SE (“Plaintiff,” or “Great Lakes”), hereby responds to the Motion for Summary Judgment filed by Third-Party Defendant Progressive Northern Ins. Co. (“Defendant” or “Progressive”)(Dkt. 94). Plaintiff does not object to the requested

relief sought in Progressive’s Motion and the “Statement of Undisputed Facts.” Great Lakes reserves the right to object should Progressive attempt to use the facts and evidentiary materials in the Motion at a later trial on the merits against Great Lakes to the extent applicable under the rule established in *Messler v. Simmons Gun Specialties, Inc.*, 1984 OK 35, 687 P.2d 121, 127-28; *see also Barringer v. Baptist Healthcare of Oklahoma*, 2001 OK 29, ¶ 13, 22 P.3d 695, 699. In filing this Response, Plaintiff therefore reserves the right to dispute the facts asserted in Progressive’s Motion at trial, to the extent necessary and applicable to Plaintiff’s defense and prosecution of this matter.

Respectfully submitted,

/s/ Emily E. Allan

Michael S. Linscott, OBA No. 17266

Emily E Allan, OBA No. 33456

Doerner, Saunders, Daniel

& Anderson, L.L.P.

Two West Second Street, Suite 700

Tulsa, OK 74103-3117

Telephone 918.591.5288

Facsimile 918.925.5288

Email: mlinscott@dsda.com

eallan@dsda.com

Attorneys for Plaintiff

CERTIFICATE OF FILING

I hereby certify that on December 12, 2023 I electronically filed the foregoing Response to Motion for Summary Judgment to the Clerk of the U.S. District Court, Western District of Oklahoma, using the electronic case filing system of the Court.

By: /s/ Emily Allan

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